

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CORNELIUS TAYLOR,	)	
	)	
Plaintiff,	)	
	)	Civil Action No. 3:24-48
v.	)	Judge Nora Barry Fischer
	)	Magistrate Judge Keith Pesto
SCOTT KLINEFELTER,	)	
	)	
Defendant.	)	

**ORDER OF COURT**

AND NOW, this 22nd day of January, 2025, upon consideration of the Report and Recommendation filed by United States Magistrate Judge Keith Pesto on March 12, 2024, (Docket No. 6), denying Plaintiff's motion to proceed in forma pauperis because he is a three-strikes litigant under 28 U.S.C. § 1915(g), *see Taylor v. Hall*, App. No. 21-1304 (3d Cir. 2021), and barred from proceeding in forma pauperis absent a showing that he is "under imminent danger of serious physical injury," *Abdul-Akbar v. McKelvie*, 239 F.3d 307, 312 (3d Cir. 2001), and presented no such allegations in his Complaint, Magistrate Judge Pesto having entered an order administratively closing the case on the same date, (Docket No. 7), Plaintiff's subsequent Motion to Demonstrate Imminent Danger, (Docket No. 10), which Magistrate Judge Pesto denied in a Memorandum Order dated May 6, 2024, (Docket No. 11), and also directed that objections to same were due within 14 days, and no further action having been taken by Plaintiff as of the date of this Order such that no objections have been lodged to the Memorandum Order and the filing fee has not been paid, this matter having been reassigned to the undersigned for prompt disposition of the matter, (Docket No. 12), and upon independent review of the record

and de novo consideration of the Magistrate Judge's Report and Recommendation, (Docket No. 6), which is ADOPTED as the opinion of this Court,

IT IS HEREBY ORDERED that Plaintiff's Motion to Proceed In Forma Pauperis [1] is DENIED and Plaintiff's Complaint (Docket No. 1-1) is DISMISSED, without prejudice, for failure to prosecute;

IT IS FURTHER ORDERED that this case shall remain CLOSED; and,

FINALLY, IT IS ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

*s/ Nora Barry Fischer*

Nora Barry Fischer  
Senior U.S. District Judge

cc/ecf: United States Magistrate Keith Pesto

cc: Cornelius Taylor MH-5213  
S.C.I. Houtzdale  
P.O. Box 1000  
209 Institution Drive  
Houtzdale, PA 16698  
(via first class mail)